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# **The ‘Complementarity Conjecture’ — Does Civil Society Engagement Strengthen Input Legitimacy and Shape Policy Delivery? The Case of Gender Mainstreaming in India and Nepal 2005–15**

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## **Abstract**

This study presents critical discourse analysis of gender mainstreaming in India and Nepal. Mainstreaming is a United Nations policy objective subscribed to by 180+ states. It aims to embed gender equality concerns in every stage of the policy process. Complementarity theory emphasizes how politicians attempt to cope with complexity by engaging civil society in policy formulation, thus not only strengthening input legitimacy but also policy efficacy through the pursuit of shared cognitive maps for action. Political elites in both countries have espoused such engagement. However, the findings show that instead of securing the anticipated complementarity effects, the current practice is aligned to an instrumentalist, ‘expert-bureaucratic’ policy intervention. This is because of the pronounced power asymmetry between the government and civil society. This manifests itself in marked contrasts in policy framing and issue prioritization. The overall effect is state-driven policy delivery. This undermines the capacity of the civil sphere to challenge the traditionally male-dominated power structures and hampers progress towards the normative vision of gender equality set out in the UN policy.

**Keywords:** Women; gender; equality; civil society; discourse; India; Nepal

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## Introduction

This study explores whether a participative-democratic model of gender mainstreaming is being applied in India and Nepal. This locus of enquiry is appropriate because deep-set patterns and processes of gender discrimination, oppression and inequality continue to beset societies across South Asia (Bagwe, 1995; Kapadia, 2003; MoWCD, 2007; Ramaswamy, 2005; Singh, 2013). The leading international policy response is gender mainstreaming as set out in the Beijing Declaration and Platform for Action (BDPfA) (UN, 1995). Mainstreaming aims to embed gender equality concerns into every stage of the policy process. A core tenet of the Declaration is that there should be thoroughgoing civil society participation in states' pursuit of gender mainstreaming. This is because, as Molyneux and Razavi note (2005, p. 983), far from being a top-down, imposed political 'project' where civil society organizations (CSOs) are relegated to an agenda-affirming role, necessary progress on the BDPfA depends upon effective, critical engagement, co-working and collaborative agenda-setting between the state and citizenry. 'Civil society' here is defined as the associational activities involving non-governmental organizations, pressure groups, charities, community groups, social movements and campaigning organizations (Keane, 1988).

The BDPfA is explicit in its requirement that the 180+ state signatories must secure:

the participation and contribution of all actors of civil society, particularly women's groups and networks and other non-governmental organizations and community-based organizations, with full respect for their autonomy ... civil society cooperation with Governments [is] important to the effective implementation and follow-up of the Platform for Action. (UN, 1995, Article 20)

The co-working aspired to in the Declaration is consistent with the complementarity theory (Klijn & Skelcher, 2008). This emphasizes how politicians attempt to cope with complexity by using civil society networks to increase involvement in policy formulation, thus not only strengthening input legitimacy but also policy efficacy through the pursuit of shared cognitive maps for action. In conceptual terms, this is captured in what has been dubbed the Participative Democratic Model of Gender Mainstreaming (PDM) (Donaghy, 2004; Lister & Carbone, 2006; Nott, 2005). Consonant with

the complementarity conjecture, it places core emphasis on pursuing mainstreaming goals by involving those targeted by equality initiatives in both the design and delivery of policy. In the following discussion, the extent to which the PDM of mainstreaming is being applied in India and Nepal is explored through analysis of the language of key government and civil society policy documents. This discourse matters because it informs an understanding of who is setting the priorities for tackling inequality between the sexes and gender-based oppression, and whether shared state–civil society understandings, priorities and ‘cognitive maps’ for action (collectively ‘complementarity effects’) are shaping policy delivery. These factors will determine the likelihood of effective co-working and whether the mainstreaming aims of the Beijing Declaration are realized. Such concerns are captured in this study’s research hypothesis, namely that against the backdrop of political elites’ espousal of a Participative Democratic Model of mainstreaming in India and Nepal, the state discourse reflects the priorities of civil society organizations (as predicted by complementarity theory). Expressed in terms of the following discourse analysis, the associated null hypothesis is that when the incidence of key frames and policy areas in state and civil society documents on the implementation of the Beijing Declaration are compared, the means of two populations are equal ( $F\text{-ratio} = 1.00$ ).

To address this, the remainder of the paper is structured thus: following an overview of the literature on civil society and gender equality, the study context is outlined, the research hypothesis is set out in relation to social theory and the methodology is summarized. Next, analysis of state discourse is presented (in three sub-sections: frame and content analysis of the <sup>+</sup>10 and <sup>+</sup>20 National Reviews, and ‘emerging priorities’ in the Reviews, and discourse on the role of CSOs). This is followed by an exploration of civil society organizations’ discourse on the implementation of the Beijing Declaration and Platform for Action. The principal findings and their implications are discussed in the conclusion.

## **Gender Equality and Civil Society**

As noted, the term civil society denotes an arena of dialogue and human relations that is connected to, but distinct from, the state, markets and the personal or familial sphere (Cohen & Arato, 1994; Edwards, 2009; Keane, 1988). It is a socio-political space that is of pivotal significance to

understanding contemporary gender relations because of its potential to challenge the largely male-dominated character of state institutions. Moreover, it acts as a source of pluralism and solidarity related to norms of equality and rights (Alexander, 1998), operates as a space for civility (Alexander, 2005, p. 652), and is a locus for rights and recognition (Fraser, 1998). It thus constitutes a key social and political nexus with the state whereby CSOs seek to advocate, politicize and provide services for women through representation and gendered claims-making cognizant of a history of marginalization and oppression (Kabeer, 2005; Pascall & Lewis, 2004; Sener, 2014). It is a role that is explicit in the concept of ‘gender mainstreaming’, as set out in the Beijing Declaration and Platform for Action (cf. Beveridge & Shaw, 2002; Woodward, 2008) and underpinned by a series of UN conventions and resolutions (e.g. UN Convention on the Elimination of Discrimination Against Women, SCR1325, SCR1888, and SCR1889).

A burgeoning literature outlines the development of gender mainstreaming; a full discussion of which is beyond the present purposes (see e.g. True & Parisi, 2013). The UN defines it as follows:

the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality. (UN, 2002, p. v)

Its rapid international adoption owes much to its holistic and pro-active nature (notably, through the application of key principles, tools and techniques to all stages of the policy process, see Ghodsee, Stan, & Weiner, 2010), as well as its democratic potential (Luciak, 2001). In the latter regard, as noted, the Participative Democratic Model of Mainstreaming places emphasis on involving those targeted by mainstreaming initiatives in both the design and delivery of policy. As Debusscher and Van der Vleuten observe, participative “mainstreaming is constructed, articulated and transformed through discourse. Policy-makers carry the responsibility to push ... equality further by involving civil society and individual activists promoting ... equality” (Debusscher & Van der Vleuten, 2012, p. 326). ‘Participation’ and ‘engagement’ here can be defined as the full range of formal and informal means employed by individuals and groups

to influence the aims, scope, design and implementation of public policy (Hogwood & Gunn, 1984). These include networking, protest, boycott, lobbying and campaigning.

## Study Context

As noted, the core aim of this study is to examine the challenges of implementing the BDPfA in two South Asian countries. Thus, following the framework adopted in a broad range of earlier research (e.g. Agrawal & Ostrom, 2001; Hobley & Shah, 1996; Karanth & Nepal, 2012; Schneiderman, 2014), India and Nepal were selected. This is because in both countries government has espoused participative democratic mainstreaming in furtherance of the BDPfA (see below). Moreover, both nations have been subject to longstanding historical patterns and processes of gender-based discrimination and oppression (see e.g. Alston, 2014; Kapadia, 2003; Menon, 2001; Mitra Channa, 2013; Roy, 2012). This is reflected in their low scores in the international rankings. Thus, for example, in the World Economic Forum Global Gender Gap Index,<sup>1</sup> India is ranked 114th out of 142 states and Nepal is ranked 112th. In a similar vein, the UN Gender Inequality Index ranks the two states 135th and 145th (respectively, out of 187).

The foregoing indices are based on measures of (in)equality spanning the economic, social and domestic spheres. For example, in both countries women have minority status in the labour market; just 14 per cent of Nepali women are employed in the non-agricultural sectors of the economy, and under a third of the women in India are in employment (30 per cent). In education, in India the female literacy rate is 51 per cent, in Nepal it is 46.7 per cent.<sup>2</sup> In political representation (the proportion of women parliamentarians), India is ranked 113th (11.9 per cent of representatives are female), whilst Nepal is ranked 36th (29.5 per cent). Notwithstanding significant progress over recent years in areas such as female access to education, major challenges remain. Both countries are characterized by deep-seated and pervasive patterns and processes of gender inequality at the beginning of the twenty-first century (Rama, Béteille, Li, Mitra, & Newman, 2015).

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1 See <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=NPL> (retrieved 28 December 2014).

2 See <https://www.cia.gov/library/publications/the-world-factbook/geos/np.html> (retrieved 28 January 2015).



Although India and Nepal share common issues of inequality and gender oppression, the foregoing survey of the extant literature and equality indicators also reveals that the two countries provide starkly contrasting socio-political contexts in which to explore the implementation of the BDPfA. For example, over recent decades, India has undergone rapid economic growth, unmatched in Nepal which, in contrast, has recently undergone a transitional and post-conflict phase following war between the government and the Maoist Communist Party between 1996 and 2006.

### **Research Hypothesis**

In her seminal work, Pateman (1970) charts the development of liberal critiques of representative democracy from the eighteenth century work of Rousseau through to Dahl's twentieth century advancement of pluralism. As Schwarzmantel (1994) observes, this latter strand of social theory takes a contrasting view of the "top-down" conceptions of democracy. He notes:

because pluralism takes as its starting point ... a modern society in which there are different interests, popular power is realised through group activity, the working of political parties and pressure groups or interest groups, each of which represents one of the many interests into which a developed society is split. Pluralist perspectives salute and emphasize the diversity of interests, and like liberal theorists they see this variety as a necessary and positive dimension of social life. (Schwarzmantel, 1994, p. 50)

Accordingly, consistency between social theory and this paper's focus on policy discourse and the input of civil society is assured by no fewer than four strands of theory: (1) Deliberative Democracy, (2) the Participative Democratic Model of Gender Mainstreaming, (3) Habermas' Theory of Communicative Action, and (4) Complementarity Theory. In the case of the deliberative democracy paradigm, this emphasizes the formative shaping of public policy. It is explained by Cohen (1997). He observes this as "not simply a form of politics, democracy, on the deliberative view, is a framework of social and institutional conditions that facilitates free discussion among equal citizens — by providing favourable conditions for participation, association, and expression" (Cohen, 1997, p. 70). In turn, as noted, the Participative Democratic Model of Gender Mainstreaming

(Donaghy, 2004; Lister & Carbone, 2006; Nott, 2005) is consonant with the Complementarity Theory (explained below), it places core emphasis on pursuing mainstreaming goals by involving those targeted by equality initiatives in both the design and delivery of policy. Yet it is the work of Habermas (1994, pp. 5–8) that perhaps makes the most powerful statement that justifies the current attention on policy discourse and the deliberative input of civil society in relation to gender equality:

as members of a locale or a state, as inhabitants of a region, etc.; in which they want to determine which traditions they will continue; in which they strive to determine how they will treat each other, and how they will treat minorities and marginal groups; in short, *discourses in which they want to get clear about the kind of society they want to live in — such discourses are also an important part of politics.* (p. 5)

In order to explore and understand this, Habermas highlights the need to examine the role of civil society:

in addition to the hierarchical regulations of the state and the decentralized regulations of the market, that is, besides administrative power and individual personal interests, solidarity and the orientation to the common good appear as a third source of social integration. In fact, this horizontal political will-formation aimed at mutual understanding or communicatively achieved consensus is even supposed to enjoy priority, both in a genetic and a normative sense. An autonomous basis in civil society, a basis independent of public administration and market-mediated private commerce, is assumed as a precondition for the praxis of civic self-determination. This basis preserves political communication from being swallowed up by the government apparatus or assimilated to market structures. (pp. 7–8)

These aspects of conceptual thinking are captured in contemporary theorizing on governance (Rhodes, 2007). Notably, in Klijn and Skelcher's Complementarity Theory, this emphasizes that governance networks comprised of civil society organizations:

provide democratic institutions with additional linkages to society ... representative democracy has primacy but ... it can co-exist with deliberative and participative democracy introduced through



governance networks ... Politicians try to cope with complexity by using networks to increase involvement in policy formulation, thus strengthening input legitimacy. (Klijn & Skelcher, 2008, p. 601)

The foregoing conceptual underpinning thus allows the designation of input and outcome factors in order to specify their causal relationships. Thus, as work in the deliberative democracy paradigm emphasizes, the inputs into the formative phase of policy-making are policy claims (demands) from civil society organizations. In turn, the outputs are the summative policies of government. Applied to the present case, this justifies the focus on policy discourse. The policy inputs are those from NGOs working in India and Nepal to advance gender equality. The outputs are the state reports on the implementation of mainstreaming. As the discourse of the latter confirms, these are shaped by the inputs of NGOs. For example, the Indian government's Twelfth Five Year Plan (2012–17) variously alludes to, “effective Governance Structures ... seek[ing the] willing participation of all sectoral agencies, and civil society in identifying risks and planning for their mitigation, and integrated delivery of quality services” (Government of India, 2013, p. 34) and securing the “active involvement of public authorities at all administrative levels, civil society, private sector, [and] community organizations” (p. 89). Whilst the discourse associated with the Government of Nepal's Thirteenth Plan (2013/14–2015/16) is also explicit in stating: “the efforts of government alone will not suffice, so the non-government and private sectors and civil society must join what will be an integrated effort” (National Planning Commission, Government of Nepal, 2013, p. 117). It continues, “we will make local communities, civil society, development partners, non-government organizations and the private sector responsible for local good governance and service delivery and institutionalize coordinated and information-based planning” (p. 111). Given both governments' explicit avowal of civil society engagement in this way, and in cognizance of the “complementarity conjecture”, as noted, it is hypothesized that deliberative policy inputs from civil society affect the outputs of government in furtherance of the mainstreaming aims of the Beijing Declaration. In other words, that political elites' espousal of civil society engagement will achieve ‘complementarity effects’ through the application of a Participative Democratic Model of mainstreaming in India and Nepal, and be reflected in an alignment between state and NGO policy framing. The latter matters because of what is termed ‘frame-alignment’ in the policy literature (Snow, Rochford, Worden, & Benford,

1986). This underlines the way that the probability of successful collaborative policy implementation increases at the point at which the frames of key policy actors — such as government and civil society — are aligned (‘frame resonance’).

## Methodology

This study uses a combined qualitative and quantitative methodology, specifically, critical discourse and content analysis. This is appropriate because hitherto there has not been any critical discourse analysis of South Asian states and how political elites and CSOs frame their response to the post-Beijing Agenda, and whether this is consistent with participatory gender mainstreaming. The result is a key knowledge-gap. One that is pivotal to future policy success. The latter assertion is supported by diverse strands of social theory including the interpretive school of policy analysis (Hajer, 2003; Yanow, 1999) and the literature on social constructivism (Kukla, 2000). Both place emphasis on language, specifically policy discourse, in order to reveal policy actors’ beliefs, values, interpretations and knowledge relevant to addressing a given policy issue (Eden & Ackermann, 2004).

Accordingly, the present discourse analysis has two components, ‘framing’ and ‘issue salience’. The former derives from Goffman (1974) and refers to a “schemata of interpretation” (p. 21). Crucially, as Snow et al. (1986) note, “by rendering events or occurrences meaningful, frames function to organize experience *and guide action*, whether individual or collective” (p. 464; emphasis added). Thus, framing is central to understanding policy intervention, particularly as in the present case, when this involves multiple actors working across different domains such as the public and civil spheres. This is because, as Nelson and Oxley (1999) observe, frames shape and structure cooperative action “by stressing specific values, facts and other considerations, endowing them with greater apparent relevance to the issue than they might appear to have under an alternative frame” (p. 1052; see also Hafner-Burton & Pollack, 2000). In the present study, frames in the BDPfA texts were coded twice. Once using an inductive coding schemata (Boyatzis, 1998; Joffe & Yardley, 2003) based on key frames taken from the BDPfA (including: ‘equality’, ‘participation’, ‘empowerment’, ‘rights’, ‘discrimination/oppression’, ‘partnership/cooperation’ and ‘mainstreaming’) — and again according to

policy issue (health, economic status, raising children/family life, education, trafficking/prostitution, gender-based violence (GBV), genital mutilation, peace/conflict resolution, property rights/inheritance). In addition, the principal frames in the discourse were further analysed to identify tropes. As Fischer and Forrester (1993) state, these are crosscutting “figures of speech and argument that give persuasive power to larger narratives [including frames] of which they are part” (e.g. tropes in the case of the ‘equality’ frame include ‘awareness raising’, ‘effective training’, ‘robust monitoring arrangements’, and so on) (p. 117).

Frame use was quantified by drawing upon the notion of ‘issue-salience’. This measures the level of attention to a given topic or frame amongst competing issues and agendas in the discourse. It is determined by content analysis (Krippendorff & Bock, 2008), or the frequency of key words, ideas or meanings in policy documents. This was done by adapting a procedure derived from electoral studies, whereby texts are divided into ‘quasi-sentences’ — or “an argument which is the verbal expression of one political idea or issue” (Volkens, 2001, p. 35). Dividing sentences in this manner controls for long sentences that contain multiple policy ideas. A worked example illustrates the technique. Thus, the following sentence would be coded as two quasi-sentences — one under the ‘partnership’ frame, the other under the ‘tackling gender-based violence’ frame: “the partnership for the implementation of the National Action Plan with civil society, religious leaders, community leaders and faith based organizations is essential in enhancing local level commitment to the eradication of violence against women and girls”.

The key data sources in this study are: (1) CSOs’ Annual Reports to the United Nations Commission on the Status of Women;<sup>3</sup> and (2) National Beijing<sup>+</sup>10 and <sup>+</sup>20 Reports by UN member states. Together these provide a rich empirical data with which to assess the issues, progress and challenges related to the implementation of the Beijing Declaration and Platform for Action. As noted, a twin case study approach was selected. This was because, as a burgeoning research methods literature attests, it allows for effective analysis of key patterns in social processes (Simons, 2009; Yin, 2013). Moreover, it permits the identification of contrasts and commonalities between case studies, thereby providing a broader, contextualized perspective compared to single, standalone studies.

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3 As part of the follow-up to the Fourth UN World Conference on Women and the Twenty-third Special Session of the General Assembly.

To operationalize the mixed methodology, electronic versions of the policy documents were analysed using appropriate software. In terms of periodization, the focus is on the decade up to and including Beijing +20 (2015); in other words, the twentieth anniversary of the BDPfA. Document analysis included government reports (or ‘National Reviews’) presented as part of the UN Beijing +10 and +20 assessment, as well as a stratified random sample of 50 Indian and Nepali CSO annual reports submitted to the UN Commission on the Status of Women between 2005 and 2015. The latter sample was constructed not only to reflect geographical distribution between the two states, but also year-on-year changes over a decade by sampling CSO reports submitted in each year. To increase reliability, both phases of coding (i.e. frames and policy areas) were repeated by a research assistant. This revealed a limited number of discrepancies. In total seven incidences were identified (under 1 per cent), and these were resolved through discussion between coders.

A statistical technique (the F-test two sample for variances test) was used in order to measure the degree of complementarity between state and civil society organizations’ discourse. It was applied to the data on the incidence of individual frames and policy areas. The null hypothesis was that the state discourse would reflect the priorities of civil society organizations (as predicted by complementarity theory and captured by the term ‘frame alignment’). If this was the case, the means would be equal (and the test would produce an F-ratio close to 1.00). In contrast, if governments’ and CSOs’ emphasis on frames and policy areas differed (as measured by their incidence in the documents studied and confirmed by the Chi-square), then the null hypothesis would be rejected. In this scenario the more the F-value exceeds 1.00, the greater the variance (or lack of complementarity) between the government and CSO discourse on the implementation of the Beijing Declaration and Platform for Action.

## **State Discourse on the Implementation of the Beijing Declaration and Platform for Action 2005–15**

### **(1) Frame and Content Analysis of the +10 and +20 National Reviews**

Frame analysis of the Indian and Nepali Beijing Declaration and Platform for Action +10 and +20 Reviews reveals the first and second ranked

frames overall were ‘empowerment’ and ‘equality’. These accounted for almost half of all quasi-sentences (22.4 and 22.3 per cent, respectively,  $N = 903$ ). The third and fourth were ‘participation’ and ‘rights’ (19.3 and 15.8 per cent, respectively). Discrimination/oppression was the fifth (9.0 per cent) and mainstreaming the seventh (6.9 per cent).<sup>4</sup> For India, the lead frames were ‘empowerment’ (26.9 per cent), ‘equality’ (22.4 per cent) and ‘participation’ (20.4 per cent); whereas for Nepal, they were ‘equality’ (22.0 per cent), ‘rights’ (18.5 per cent) and ‘participation’ (18.3 per cent) (Table 1).

Analysis of the discourse on ‘empowerment’ (lead frame in India and third-ranked in Nepal, 22.4 per cent of quasi-sentences overall) shows it to be founded on contrasting conceptions captured in the academic literature. The predominant usage broadly elides with political empowerment. As Sorensen (1997, p. 554) explains, “a democratic strategy of empowerment must aim to balance exit and voice options”. Here ‘exit’ refers to the democratic right to choose, or vote for, alternatives (which may result in the ‘exit’ from rule by a given party or regime). Whilst ‘voice’ lies at the heart of the Participative Democratic Model of mainstreaming and refers to gender parity in participation in public decision-making. Examples of the ‘voice’ trope include: “empowerment of women is seen as an essential tool for achieving gender equality ... participations of women in social, economic and political activities have increased” (Government of Nepal, 2014, p. 4) and “change in women’s political status with respect to their participation in panchayats, state legislature and parliament, the nature and extent of participation, challenges and impact of change in women’s political status on their social-economic empowerment” (Government of India, 2014, p. 8).

Analysis also reveals a failure of the state discourse to fully detail or explain the way that empowerment relates to the gamut of policy areas, notably education. For example, “women’s access to non-economic resources such as education and health are crucial for human development. Progressing towards gender parity in access to education is a major achievement of the country towards empowerment of women” (Government of Nepal, 2014, p. 4). As Guinée observes in the case of Nepal,

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4 Comparison reveals statistically significant differences in each country’s framing ( $P = <0.001$ ),  $\chi^2 = 27.747$ ,  $df = 6$ ,  $P = 0.00010485$ .

Table 1 Comparative Analysis of Policy Framing in Government and Civil Society Organizations' Reports on the Implementation of the Beijing Declaration and Platform for Discourse (Percentage of all Quasi-sentences, by Frame) ( $N = 1,908$ )

Frame	Government Beijing +10 and +20 Reviews		CSO Reports to UN Commission on the Status of Women 2005–15	
	India	Nepal	India	Nepal
Equality	22.5	22.1	34.1	29.0
Rights	13.0	18.5	27.9	21.0
Participation	20.4	18.3	8.6	13.5
Empowerment	26.9	18.3	9.8	6.3
Discrimination/oppression	6.7	11.0	12.4	25.8
Mainstreaming	4.6	8.9	1.7	0.4
Partnership/cooperation	6.0	3.0	5.4	4.0
<i>N</i>	432	471	753	252

international arena education is often put forward as the main strategy for achieving women's empowerment and gender equality. However, exactly what it means to be empowered and how education interacts with different aspects of empowerment remains ill-defined ... it cannot be viewed in isolation from social influences and intimate relations most important to women's lives. (Guinée, 2014, p. 173)

Prominent cross-cutting tropes associated with the 'equality' frame include awareness-raising (e.g. "promote the girl-child's awareness of participation in social, economic and political life" (Government of Nepal, 2014, p. 41)); enforcement (e.g. "ensure effective implementation of policies and enforcement of existing laws related to GBV at the national and district level" (Government of Nepal, 2014, p. 36)); and capacity building (e.g. "Government of India has sanctioned a Comprehensive Scheme 'Strengthening Law Enforcement Response in India against Trafficking in Persons through Training and Capacity Building' " (Government of India, 2014, p. 57)). Analysis of this frame also reveals conceptual hybridization in each state's promotion of gender equality. For example, both espouse mainstreaming whilst also alluding to affirmative action



(e.g. “the committee would identify areas of intervention and recommend measures for affirmative action by the Government for the holistic empowerment of women” (Government of India, 2014, p. 8) and “a policy of affirmative action was introduced in the Three Year Interim Plan (2007/08–2009/10)” (Government of Nepal, 2014, p. 10)). Both also refer to a basic Aristotelian equal treatment approach to gender in their programmes (e.g. “eliminate all forms of discrimination against the girl child ... The Interim constitution and national legal provisions have guaranteed equal treatment” (Government of Nepal, 2014, p. 39)). A concern here is the potential over-reliance on affirmative action measures (and to a lesser degree equal treatment), for — as an extensive literature attests (Chaney, 2011), whilst these may secure short-term gains, they fail to address the underlying structural and cultural causes of inequality. At a more fundamental conceptual level, the hybridized approach to equality in both states can be seen as indicative of a lack of clarity and reflective of an ad hoc, non-strategic approach, one at conflict with the ethos of mainstreaming. Moreover, as Daly observes:

‘hybrid’ cases of gender mainstreaming ... facilitate a break between the introduction of gender mainstreaming and addressing gender as structural inequality. In other words, gender mainstreaming is introduced in the name of updating existing policy approaches to women rather than as the author of a transformative vision that recognizes gender as a societally embedded and structural problem. (Daly, 2005, p. 448)

Critical analysis shows that a lack of precision also characterizes the use of the ‘rights’ frame (second- and fourth-ranked in Nepal and India, respectively). Here existing scholarly work draws a distinction between ‘hard’ and ‘soft’ equality rights (cf. Cole, 2009). The former are legally enshrined and enforceable (e.g. “The Protection of Women from Domestic Violence Act, 2005; for protection of the rights of women who are victims of violence of any kind within the family” (Government of India, 2014, p. 5)), whilst the latter are discursive and symbolic. Thus, they “may have no legally binding force but may nevertheless have practical effects ... [constituting part of a] potentially important normative system employ [ing] non-binding objectives and guidelines to bring about change in social policy and other areas” (Trubek & Trubek, 2005, p. 343). Examples of the latter include: “The government has been committed to make health policies and programs more gender sensitive abiding by the life cycle and

rights approach to women's health" (Government of Nepal, 2014, p. 4). States' contrasting use of this frame — including the prevalence of 'soft' rights discourse — can be seen as a further factor underpinning variability in the implementation of the BDPfA between the two South Asian states. The latter discursive rights are no substitute for 'hard' rights for they provide the citizen with no legal redress, regardless of government's policy rhetoric. A further issue attaches to the rights discourse in the National Reviews on the implementation of the BDPfA. It aligns with Chauhuri's observation that

policies aiming at women's empowerment should first select particular life stages to focus on, consider the most important rights at each stage of life, and then enable females in the age groups to fully achieve all their rights, rather than focusing narrowly only on certain rights. The ability to fully realize rights in one life stage has forward associations with the ability to realize rights at other stages of life. (Chauhuri, 2013, p. 65)

Textual analysis reveals such attention to the life course in the articulation of rights to be largely absent in the Indian and Nepali state discourse. As Krekula (2007) notes, "the position of older women in gender theory and in social gerontology has often been overlooked... older women are made invisible in gender theory through the selection of arenas and themes, by model monopoly and by a lack of problematization of age" (p. 155). Current analysis confirms that what Krekula (2007, p. 156) refers to as the "double jeopardy" of simultaneous age and gender discrimination is a social reality and largely unaddressed policy challenge in Nepal and India.

When the Beijing <sup>+10</sup> and <sup>+20</sup> Reviews (2005 and 2014/15) are compared, the biggest shifts in the Indian discourse are an increase in framing around 'equality' (+12.0 percentage points) and 'empowerment' (+9.1 percentage points), and a decrease in 'rights' (−15.9 percentage points) and 'partnership' (−9.7 percentage points). In the Nepali discourse, the biggest changes were an increase in 'participation' (+14.9 percentage points), 'equality' (+5.7 percentage points) and attendant decreases in 'rights' (−9.1 percentage points) and 'mainstreaming' (−8.2 percentage points). From a normative perspective, these changes might be viewed as a positive shift in state framing, an indication that latterly the promotion of gender equality is conceived in less narrow legal, anti-discrimination terms and as more of a citizen-oriented "project". This is a

transition that can usefully be conceptualized using Himmelman's (1996) theory of "collaborative empowerment". This describes a scenario integral to the democratic-participative model of mainstreaming whereby democratic accountability is bolstered by power elites' recognition that the state alone cannot deliver gender equal societies (Jahan, 1995; Moser & Moser, 2005). Instead, collaborative empowerment is founded on civil society engagement in public decision-making and a more equal power dynamic between the state and citizenry based on participation by both sexes.

When the two countries' Beijing +10 and +20 Reviews are compared, the data also reveal broad concordance in the attention to (or 'salience' of) policy areas in the implementation of the BDPfA (Table 2). Thus, in both the Indian and Nepali +20 discourse, the lead policy area was gender equality in relation to children/family life (35.3 and 27.3 per cent of quasi-sentences, respectively). For example, "an apex body of SAARC has been established in Kathmandu to coordinate the initiatives relating to child rights and child protection which also covers the girl child issues" (Government of Nepal, 2014, p. 18) and "advancing the rights of the girl child and ensuring gender equality is a critical development chal-

Table 2 Comparative Analysis of Attention to Policy Areas in Government and Civil Society Organizations' Reports on the Implementation of the Beijing Declaration and Platform for Discourse (Percentage of all Quasi-sentences, by Frame) ( $N = 2,565$ )

<i>Policy Area</i>	<i>Government Beijing +10 and +20 Reviews</i>		<i>CSO Reports to UN Commission on the Status of Women 2005–15</i>	
	<i>India</i>	<i>Nepal</i>	<i>India</i>	<i>Nepal</i>
Raising children/family life	35.3	27.3	14.4	15.4
Education	19.4	23.4	16.4	13.8
Health	15.5	13.2	9.8	11.9
Poverty/economic inequalities	12.1	10.6	29.3	32.4
Trafficking/prostitution	11.4	12.0	4.0	2.8
Gender-based violence	5.6	9.4	16.7	17.8
Peace/conflict resolution	0.4	2.0	7.5	4.3
Inheritance	0.3	2.2	1.9	1.6
<i>N</i>	702	501	1109	253

lenge and the 12th Five Year Plan centres around four main conceptual issues intended at addressing the underlying and root causes” (Government of India, 2014, p. 23). This finding is significant, for, as Lewis observes,

any further development of the concept of ‘welfare regime’ must incorporate the relationship between unpaid as well as paid work and welfare. Consideration of the private/domestic is crucial to a gendered understanding of welfare because historically women have typically gained entitlements by virtue of their dependent status within the family as wives and mothers. (Lewis, 1992, p. 153)

Education was second-ranked (19.4 per cent and 23.4 per cent in India and Nepal, respectively). The latter prioritization is indicative of the fact that in India, notwithstanding some progress,

the education of girls remains problematic given the higher value attached to sons, especially in rural communities ... despite principles of free education and equality of access, [gender equality is ...] inhibited by poor facilities and availability of provision by economic circumstances and past family experiences and histories ... and extensive and entrenched patterns of discrimination. (Thornton, 2006, p. 19)

In a similar vein, Acharya (2004) outlines how “historically Nepali women’s literacy rate remained less than half of their male counterparts ... [thus,] from the gender perspective th[e] approach of literacy education further polarizes men and women within a complex social structure” (p. 6). Notwithstanding this, the Nepali +20 Review notes some progress: “there has been significant increase in number of girls obtaining primary education and similar upward trends are observed at tertiary levels. Many programmatic interventions have been made to encourage enrolment and retention of girl children along with adult literacy” (Government of Nepal, 2014, p. 6). It also underlines continuing disparity — for it notes that the male literacy rate is 75.1 per cent compared to 57.4 per cent for females.

Health was the third-ranked policy area (15.5 and 13.2 per cent of quasi-sentences, respectively). For example, “Nepal Health Sector Plan–Implementation Plan–II (NHSP-IP-II) 2010–15 focuses on improving the health service delivery, by giving due attention to women’s access to appropriate, affordable and quality health care services. NHSP-IP-II prioritizes reaching the unreached and has strong focus on gender and social

inclusion” (Government of Nepal, 2014, p. 29). Across the remaining policy areas, significant differences are evident between the countries. For example, there is greater emphasis on gender-based violence as well as trafficking and prostitution in the Nepali Review (Table 2). Examples of this discourse include “the Government of Nepal has taken several policy and legal measures to prevent and eliminate violence against women. Several discriminatory provisions had been amended in various laws including General Code 2020. Domestic Violence (Offence and Punishment) Act and Regulation had been formulated in 2009 and 2010 respectively. [And the] National Plan of Action against Gender Based Violence 2010 was implemented” (Government of Nepal, 2014, p. 30), and the government has introduced the National Plan of Action against Trafficking in Persons, Especially Trafficking in Women and Children, 2012 (Government of Nepal, 2014, p. 9).<sup>5</sup> The lesser emphasis on GBV in India is troubling for, as Simister and Mehta observe,

there are long-term trends in Indian society regarding domestic violence between husband and wife, and attitudes to such violence ... some changes [indicated by survey data] suggest that Indian women are becoming more liberated, but others imply worsening conditions for Indian women, such as more violence against women. ... There is evidence that some gender-based violence is a male response to increasingly ‘modern’ attitudes among Indian women. (Simister & Mehta, 2010, p. 1594)

When the 2005 and 2014/15 Reviews are compared, the greatest shifts in the Indian Review were in relation to health (−6.7 percentage points), with attendant gains in attention to gender-based violence and education (+3.4 and 3.3 percentage points, respectively). In the case of the Nepali reports, the biggest fall was in relation to poverty/economic inequality (−7.9 percentage points). In contrast, greater emphasis was placed on education (+8.5 percentage points) as well as gender-based violence (+4.9 percentage points). The increased focus on education is a welcome development; as Stash and Hannum (2001) observe, girls’ access to schooling in Nepal is often hampered by a mixture of factors including poverty and ethnicity.

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<sup>5</sup>  $\chi^2 = 53.093$ ,  $df = 7$ ,  $P = 0.0001$ .

## **(2) ‘Emerging Priorities’ Identified in the National Reports**

Both the Indian and Nepali <sup>+20</sup> National Reviews set out key priorities for action over the next three to five years in order to accelerate implementation of the Beijing Declaration and Platform for Action. Once again, there are key contrasts between the two countries. In the case of India, the first priority is gender equality in the context of economic development (sometimes alluded to as ‘economic empowerment’). For example,

growth can, however, be sustained only when all sections of the society, especially women become equal partners in the development process. It is well recognised that societies which discriminate by gender tend to experience less rapid economic growth and poverty reduction than societies which treat men and women more equally. (Government of India, 2014, p. 81)

The gender emphasis is explicit: “The institutions of economics, politics and the law must be considered in terms of how they relate to each other and how they play out across the different arenas where gender discrimination occurs” (Government of India, 2014, p. 82). Notwithstanding such discourse, the extant literature points to multiple facets of economic discrimination faced by women in India. According to Mammen and Paxson (2000), not only do they face a glass ceiling and a gender pay gap, but there are also key issues around women’s allocation of resources within families, and their access to credit.

Tellingly, the Indian <sup>+20</sup> Review’s third-ranked priority, ‘enabling legislation’, can be seen as tacit acknowledgement of the need for remedial action in the face of the sharp decline in the framing of rights in the <sup>+10</sup> and <sup>+20</sup> National Reviews (–15.6 per cent of quasi-sentences). Thus, for example, the “emerging priorities” in the Review allude to “improving Implementation of Protection of Women from Domestic Violence Act (PWDVA) and Dowry Prohibition Act (DPA)” (Government of India, 2014, p. 82). The latter enactment was passed over 50 years ago and is an indictment of the flawed implementation of the statute over the past half-century (see for example, van Willigen & Channa, 1991).

Similar issues are reflected in the Nepali Review — for the first-cited priority for future action is anti-discrimination measures and to “ensure implementation and monitoring of existing laws to protect and promote the rights of women of all categories” — as well as measures to build



“the capacity of various institutions and their structures so that they can provide necessary services to ensure the rights of women” (Government of Nepal, 2014, p. 42). This resonates with existing analysis which highlights that not only are legal rights limited, but some existing statutes compound gender inequality such that Gautam, Banskota, and Manchanda (2001) conclude, “women suffer from 23 discriminatory laws in Nepal” (p. 343). Such issues aside, intersectional issues are also to the fore in the Nepali Government Review. This term refers to the intersection of two or more axes of inequality or discrimination (e.g. gender *and* disability; gender *and* ethnicity, etc.) (cf. Crenshaw, 2000; Tamale, 2001). The BDPfA is explicit in the need for such an approach to gender-based reforms: “governments [must] affirm their determination to intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability or because they are indigenous people” (UN, 1995). This resonates with the situation in Nepal where, as Nightingale (2010) observes, women’s discrimination links to the fluid and overlapping “boundaries between bodies, spaces, ecologies and symbolic meanings of difference [that] are produced and maintained relationally through practices of work and ritual” (p. 154). There is some official recognition of this in the Nepali government’s <sup>+</sup>20 Review. It refers to the emerging priority of “protect[ing] and promot[ing] the rights of women, including single women, women with disability, Dalit women and women from marginalized communities” (Government of Nepal, 2014, p. 43). Notwithstanding the fact that, as existing studies attest (Krishna, 2014), intersectional issues are key to social mobility, and, moreover, contemporary policy and practice means “gender equality may be compromised by yielding to the dominant voices within a particular religion or cultural tradition” (Mullally, 2004, p. 671), the Indian Review affords less attention to intersectional matters as an emerging issue. Albeit that there is limited reference to “engaging differently-abled women and those of religious minorities in decision-making — as well as Scheduled Castes, Scheduled Tribes” — as well as “the urban poor” and transgender communities” (Government of Nepal, 2014, p. 83).

In contrast, both countries’ Reviews place emphasis on equality and women’s role in governance. As noted, this is a core tenet of the Democratic Participative Model of gender mainstreaming and is required by the BDPfA. Notably, the Nepali Review sets out the priority of “enhanc[ing]

meaningful participation of women of all categories in the development process”. It does this with explicit reference to the mainstreaming paradigm and refers to the participation of women in “every step of the governance framework for strengthening gender mainstreaming” (Government of Nepal, 2014, p. 39). Here the discourse engages with other core concepts integral to mainstreaming, such as gender auditing and equality impact assessments. Crucially, reference is also made to the need to “provide training to build capacity in mainstreaming” (Government of Nepal, 2014, p. 43). Moreover, the Nepali Review evidences progress in the ‘institutionalization’ of mainstreaming in government by providing a detailed breakdown of mainstreaming actions taken in each government department (e.g. “The following ministries have formulated policies to ensure gender equality and empowerment of women ...” (Government of Nepal, 2014, pp. 9–11)).

In contrast, the Indian Government Review makes but a single reference to mainstreaming in its ‘emerging priorities’ (“mainstreaming gender through gender budgeting” (Government of India, 2014, p. 82)). However, it should be noted that the Review’s ensuing attention to gender budgeting is comprehensive and sets out objectives for future implementation (including a range of technical measures such as gender impact assessments and audit, as well as development of sex-disaggregated data and a continued emphasis on capacity building). Nevertheless, this narrow focus on budgeting ignores or downplays other key aspects of mainstreaming. As a result, mainstreaming accounts for just 4.3 per cent of all quasi-sentences in the Review.

Examples of ‘emerging issues’ in the implementation of the BDPfA solely alluded to by one country include reference to the “declining girl child sex ratio, reducing female foeticide and infanticide” in the Indian Review (Indian Government, 2015, p. 82) (cf. Basu, 1999) and “initiat[ing] a process for formulation and enactment of a law on anti-witch hunting” (Government of Nepal, 2014, p. 45) in the Nepali Review. The latter document also places core emphasis on gender-based violence including reference to the “effective implementation of policies and enforcement of existing laws related to gender-based violence at the national and district level” and “trafficking in persons” (p. 44). As Kaufman and Crawford (2011) note, this is a growing problem, “the primary destination country for trafficked Nepali women is India ... [and] the root causes of trafficking in this context are multiple, including endemic poverty, the low status of women, and migration in an attempt to escape insurgent violence” (p. 652). Accordingly, the Nepali Review’s priorities include “ensur[ing] effective formu-

lation and implementation of programs aimed at preventing those who are vulnerable of being trafficked” (Government of Nepal, 2014, p. 46). In contrast, the Indian Review makes single references to both of the foregoing issues. Curiously, it reports past initiatives on gender equality in education as an emerging priority. For example,

The National Curriculum Framework (2005) prioritizes gender as an important guiding principle in all curricular areas ... Gender concerns have been integrated in the curriculum ... girls and boys have [also] achieved equal access to primary education. An educational and social environment has been created in which boys and girls are treated equally. (Government of India, 2014, p. 82)

### **(3) State Discourse on the Role of Civil Society Organizations in Implementing the BDPfA**

The Indian Beijing +20 Review outlines the institutional arrangements constituting a nexus between the state and civil society. The principal aspect of which is civil society’s inclusion in “a working group on women’s agency and empowerment ... constituted to contextualize women’s empowerment and define what the 12th Five Year Plan (2012–17) seeks to achieve” (Government of India, 2014, p. 14). It continues,

at the time of formulating any policy/legislation consultations are held at National and State levels. Representatives of civil society organizations also participate in such consultations. Drafts of various policies are put in the public domain for comments/ views. Parliamentary Committees also engage or invite representations from various civil society organizations. (Government of India, 2014, p. 15)

In the case of the Nepali Review, similar, generalized reference is made to “various mechanisms [that] have been formed at national and local levels for regular dialogue between the government and civil society on different issues of gender equality and empowerment of women” (Government of Nepal, 2014, p. 45). The latter include

committees ... hosted by the ministry [of Women, Children and Social Welfare] [which] are inclusive of various stakeholders from civil society ... [moreover,] autonomous bodies such as

Nepal Women Commission, Central Child Welfare Board, and Nepal Human Rights Commission have been established to maintain regular dialogue between the government and the civil society. (Government of Nepal, 2014, p. 45)

The lack of comprehensive institutional mechanisms to engage civil society is therefore a concern in both countries. It is a failing that links to the burgeoning literature of feminist institutionalism (Kenny, 2007). This underlines how institutional structures and procedures aid or hinder the promotion of equality in policy-making and substantive representation. It also reveals how institutional context “may limit or enhance opportunities for individuals to translate priorities into policy initiatives” (Childs & Krook, 2009, p. 49). Thus, as Mackay (2008) points out, the substantive representation of women’s interests in policy-making “requires institutional reform and innovation, including the creation of arrangements that foster the norm of participatory parity and the opportunity to contest and negotiate the meanings and content of the substantive representation ... in a given context and over time” (p. 135).

Notably, in the Nepali Review, insight is given into government’s view of the perceived benefits of such participation: “members from civil societies, Non-Government Organizations, and academia actively participate in such mechanisms [on implementing the BPDfA] and provide impetus to the efforts made at complying towards various international laws ratified by the government” (Government of Nepal, 2014, p. 48). However, notwithstanding such assertions, as noted, both countries’ discourse lacks necessary detail. For example, information on the frequency of state–civil society engagement, illustrations of instances where CSOs have shaped policy, and an overview of the mechanisms for civil society organizations to seek redress if they feel their views have been marginalized, downplayed or ignored. In short, this finding reveals both countries’ National Reviews to exhibit what has been termed a declaratory approach to promoting equality in public policy, one where the accent is on symbolism rather than substance (cf. Chaney, 2011; see also the Discussion section below).

### **Civil Society Organizations’ Discourse on the Implementation of the Beijing Declaration and Platform for Action 2005–15**

This section of the analysis focuses on the discourse of civil society organizations, specifically the language of reports submitted to the UN Committee

on the Status of Women 2005–15. These give CSOs' views on the implementation of the BDPfA and allied initiatives. In the case of CSOs operating in India, the principal frame in this discourse was 'equality' (Table 1).<sup>6</sup> This accounted for just over a third (34.1 per cent) of all quasi-sentences. For example, "gender equality could not come about only through changes in women's condition — it require[s] transformation of the structures and systems which lie at the root of women's subordination and gender inequality".<sup>7</sup> It was followed by 'rights', which totalled over a quarter of quasi-sentences (27.9 per cent). For example, culture and religion are entrenched in behavioural patterns and mental attitudes, which are exacerbated by stereotyping the economic and social roles of women and men, creating a vicious cycle of discriminatory practices favouring male domination. One such practice is the deprivation of women's rights to land, property and inheritance. Such deprivation of rights to assets are added obstacles to their rights to access credit and other rights to development such as education and training, and in turn creates for them a situation of dependency or unsustainable economic, social and cultural autonomy.<sup>8</sup>

CSOs' emphasis on rights reflects the challenge they face, as outlined in Rayaprol and Ray's account. This notes that,

institutionalized patriarchy in society at large has made it quite difficult to practice gender equality in courts. The women's movements in India have been battling with the courts for more than three decades on issues related to various forms of violence against women in both public and private spheres. (Rayaprol & Ray, 2010, p. 335)

Allied to the foregoing, tackling 'discrimination and oppression' totalled 12.4 per cent of the discourse. For example, "over the medium term, all gender-discriminatory education systems, media, teachers and environmental factors in the classroom should be reformed through deliberate action that creates a pro-girl bias".<sup>9</sup>

Existing work has underlined the key democratic and policy-making benefits of CSO engagement in public decision-making (Krishnamurthy, 2001). This is reflected in the current analysis. Thus, 'participation' was

6 UN Economic and Social Council, Commission on the Status of Women et al., E/CN.6/2004/NGO/32.

7 Sant Nirankari Mandal, Delhi, E/CN.6/2013/NGO/51.

8 All India Women's Conference, All India Women's Education Fund Association et al.

9 Stree Atyachar Virodhi Parishad, E/CN.6/2010/NGO/35.

the subject of 8.6 per cent of quasi-sentences and ‘empowerment’ was the subject of 8.4 per cent overall: for example, “empowering vulnerable communities to participate, negotiate, bring about change, hold accountable the institutions that affect their well-being and improve capabilities in the long run”.<sup>10</sup> Amongst the remaining frames it is also notable that CSOs generally eschew specific reference to ‘mainstreaming’. The latter accounted for just 1.7 per cent of quasi-sentences overall. This is a striking finding and suggests that CSOs generally lack both knowledge and awareness of the concept. Such a ‘disconnect’ is deeply problematic for, as Walby (2005) explains, “the level of sophistication of the gender equality awareness within the political environment affects whether state functionaries can effectively implement gender mainstreaming” (p. 332).

This pattern is broadly replicated in the case of Nepali CSO discourse. ‘Equality’ (29 per cent), ‘discrimination and oppression’ (25.8 per cent) and ‘rights’ (21 per cent) were the three lead frames. For example, “Governments undertook in 1995 to eliminate discriminatory laws, and in 2000 set a target date of 2005 to fulfil this undertaking. Twelve years out and two years past the target date, women need to know that governments are taking their obligations seriously”.<sup>11</sup> This was followed by ‘participation’ (13.5 per cent). For example, “We urge Governments to take appropriate measures to ... Increas[e] the number of rural women in local and national decision-making bodies to address gender inequalities”.<sup>12</sup> In addition, ‘empowerment’ accounted for 6.3 per cent of quasi-sentences. Again, there is scant reference to mainstreaming (0.4 per cent of quasi-sentences in the Nepali CSO reports).

As Laxmi, Parikh, Karmakar, and Dabrase (2003) outline, economic inequalities are highly gendered in their impact, with wide ranging implications for women’s rights and well-being. Accordingly, in both the Indian and Nepali CSOs’ discourse “economic inequalities” was the lead policy issue (29.3 and 32.4 per cent,  $N = 1,362$ ) (Table 2). For example,

With reference to poverty, more than half of the world’s women are in vulnerable employment. It is common practice throughout the world that during financial crises, women and girls are taken out of school, the quantity and quality of their food are reduced, and they forgo medical treatment and often become involved in

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10 Udyama, E/CN.6/2013/NGO/54.

11 Equality Now, E/CN.6/2007/NGO/19.

12 Human Rights Advocates, E/CN.6/2012/NGO/10.



sexual exploitation for survival. Unless all these systems of discrimination are addressed, it will be very difficult to make substantial progress on gender equality.<sup>13</sup>

Subsequently, gender-based violence accounted for 16.9 and 17.8 per cent of quasi-sentences in the Indian and Nepali discourse, respectively. For example,

All India Women's Conference is deeply concerned with the increasing incidence of violence against women ... the following issues emerged as the main causes of violence against women ... Sluggish judicial system; Insensitivity of the implementers of laws ... Insufficient facilities for helping victims of violence ... [we seek] intervention by the Government for speedy action.<sup>14</sup>

Such calls support Ghosh's analysis of a situation whereby

there is tremendous rise even in the officially claimed number of all types of crimes committed against women. [Whilst t]he Indian state has, however, enacted several laws during the last 60 years to address issues related to gender violence in a society dominated by patriarchal values and practices ... the legal framework, although important, appears to be grossly inadequate even today. (Ghosh, 2013, p. 409)

Remaining topics in the Indian discourse were 'education' (16.4 per cent) and 'health' (9.2 per cent). For example,

In order to successfully implement future goals at the local level, we have identified nine key areas in which to develop indicators to ensure that the needs of indigenous women and girls, are met ... Culturally appropriate education for indigenous women and girls ... appropriate health indicators for indigenous women and girls.<sup>15</sup>

'Trafficking' accounted for 4.0 per cent of quasi-sentences: for example,

Specifically, sex trafficking of girls and women flourishes because of the demand for purchased sex, combined with vulnerabilities

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13 Brahma Kumaris World Spiritual University, E/CN.6/2014/NGO/16.

14 All India Women's Conference, E/CN.6/2013/NGO/6.

15 Asia Indigenous Peoples Pact, E/CN.6/2014/NGO/8.

arising from gender discrimination maintained through the State, the community and the family unit. This discrimination normalizes the purchase of sex and denies girls and women equal access to safe housing, livelihoods, education and legal protection.<sup>16</sup>

In the case of the Nepali CSO discourse, the remaining policy areas included ‘raising children/family life’ (15.4 per cent), education (13.8 per cent) and health (10.7 per cent). For example,

Research we have undertaken in Nepal ... suggests that the barriers preventing women and girls from participating in education, training and science ... are still prevalent ... budget constraints and a lack of funding have impeded policy implementation. [Amongst the ongoing problems ...] parents in rural areas keep their daughters out of school to act as childminders for their younger siblings during harvesting periods.<sup>17</sup>

## Discussion

The Complementarity Theory emphasizes how politicians attempt to cope with complexity by using civil society networks to increase involvement in policy formulation, thus not only strengthening input legitimacy but also policy efficacy through the pursuit of shared cognitive maps for action. As theory on new social movements suggests, the latter matters because of what is termed ‘frame-alignment’ (Snow et al., 1986). In other words, the likelihood of effective policy implementation is increased when policy actors share the same priorities. Such thinking underpinned the research hypothesis posed at the outset of the study, namely that against the backdrop of governments’ espousal of the Participative Democratic Model of Mainstreaming, when the incidence of key frames and policy areas in state and civil society documents on the implementation of the Beijing Declaration is compared, the variance of two populations will be equal (null hypothesis). In other words, state priorities for action reflect and match those of civil society organizations. However, the foregoing critical discourse analysis of key documents on the implementation of the Beijing Declaration in India and Nepal paints a different picture. It

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16 Apne Aap Women World Wide (India) Trust, E/CN.6/2013/NGO/101.

17 Voluntary Service Overseas, E/CN.6/2014/NGO/152.

reveals a disjuncture between state and civil society organizations' envisioning of the implementation of the BDPfA.

This assertion is based on statistical analysis of complementarity in relation to the state/civil society discourse using the F-test two sample for variances test. When the language of the Indian government's Beijing <sup>+</sup>20 Review is compared to the discourse of CSOs operating in the country, there are statistically significant differences in framing ( $P = <0.001$ , F-ratio 6.839)<sup>18</sup> and issue salience ( $P = <0.001$ , F-ratio 3.438).<sup>19</sup> Tellingly, the Indian government's <sup>+</sup>20 Review itself acknowledges that amongst "the major challenges" is the "convergence of efforts of various Ministries/Departments/Civil Society" (p. 8). It proceeds to recognize that this "has been an ongoing challenge" (p. 8). The same applies to Nepal, for there are also statistically significant state/civil society differences in framing ( $P = <0.001$ , F-ratio 4.283)<sup>20</sup> as well as contrasts in the level of attention paid to different policy areas ( $P = <0.001$ , F-ratio 2.987).<sup>21</sup> For example, gender, poverty and economic inequality were the lead policy issues for CSOs in both countries, yet only fourth- and fifth-ranked in the Indian and Nepali state reports. Moreover, whilst gender-based violence is at the forefront of CSOs' priorities, it is ranked a lowly sixth in both the Indian and Nepali state reports.

This variance in the incidence of frames and policy areas is contrary to the notion of complementarity, which asserts that "governance networks when predicated on the basis of deliberative and other democratic practices ... engender both a democratic ethos and *consensual decision-outcomes* that transcend and *accommodate partial preferences*" (Klijn & Skelcher, 2008, p. 594; emphasis added). Instead, the study data show that government is prioritizing aspects of policy and framing issues of gender equality in ways that contrast with the discourse of civil society organizations. In short, notwithstanding civil society input, government is following a different cognitive map for action in pursuing the gender mainstreaming goals of the Beijing Declaration and Platform for Action. In consequence, the research hypothesis can be rejected.

Allied to the foregoing, a further key finding is the difference in state/CSO attention to rights.<sup>22</sup> The latter's greater prioritization of this matter

18  $\chi^2 = 136.592$ ,  $df = 6$ ,  $P = 0.0001$ .

19  $\chi^2 = 292.38$ ,  $df = 8$ ,  $P = 0.0001$ .

20  $\chi^2 = 59.168$ ,  $df = 8$ ,  $P = 0.0001$ .

21  $\chi^2 = 98.79$ ,  $df = 8$ ,  $P = 0.0001$ .

22 14.2 percentage points.

can be seen as indicative of significant wells of CSO mistrust of official state discourse, and reflective of a demand for a shift in the power balance between government elites and citizenry. As Aguirre and Pietropaoli (2008) explain in relation to the Nepali context, “many civil society groups utilize a rights-based approach in this manner to enact social change and tackle inequality. This type of empowerment is crucial for transitional justice in Nepal because it can help to address unequal power relations, in particular gendered power relations” (p. 367). In the face of significant contemporary shortcomings in women’s legal rights in both countries (cf. Agnes, 2000), the present data show civil society as a driver for more comprehensive, enforceable legal (or ‘hard’) rights rather than the ‘soft’ or discursive rights that feature in the governments’ <sup>+10</sup> and <sup>+20</sup> discourse. This is because “a rights framework creates the space for civil society action to engage with legislat[ive life] to hold public officials accountable ... enabling civil society mobilization, [and] reinforcing community agency” (London & Schneider 2012, p. 6). In advancing their gender equality claims on government elites in this way, CSOs should not be assuaged by recent gains in the numbers of women holding political office. As Ramaswamy’s (2005) account explains, in India there is still a “crisis of governance” for “women are excluded from the material benefits that politics accrues and even if they inherit the political office” (p. 122).

A further, troubling issue that emerges from the present study is the low level of attention given to the concept of gender mainstreaming in both state and civil society discourse (5.0 and 1.4 per cent of quasi-sentences, respectively). This also threatens the attainment of the sought-after Participative Democratic Model and affirms that attempts at gender mainstreaming in South Asian states continue to reproduce and replicate known difficulties in translating principles into outcomes (cf. Beveridge & Shaw, 2002; True & Parisi, 2013; Woehl, 2011). It also suggests limited progress since Beijing <sup>+15</sup>, when a UN appraisal concluded that “many gaps and challenges remain in guaranteeing ... full and equal participation in decision-making in all stages” (UN, 2010, p. 37).

Rather than the sought-after Participatory Democratic Model of mainstreaming that might be anticipated from the complementarity conjecture, the current study data show that an expert bureaucratic model of mainstreaming is being applied in the two countries. This is principally founded on the input of state policy elites and gender experts as opposed to broad-based civil society engagement (see Donaghy 2004; Nott, 2005). Whilst this may reflect a legacy of mutual mistrust in state–CSO relations

(Sen, 1999), it is deeply problematic for realization of BDPfA objectives. Not least because, as Beall notes:

advancing gender equality demands striking a balance between the essentially political project of ensuring women's social and economic participation and political representation, and the more technical project of institutionalizing or mainstreaming a gender perspective in policy and practice ... it is essential that the national machinery for the advancement of gender equality ... does not forget its foundation in civil society, and that there is an on-going commitment to 'doing gender' from bottom to top, as well as from top to bottom. (Beall, 2001, p. 144)

Worryingly, the present discourse analysis also suggests problems related to CSOs' 'buy-in' to mainstreaming, including resource issues, low awareness of the concept and limitations in human capital and expertise to engage in public policy-making. The inherent danger emerging from this is that it leads to the reproduction of the situation whereby, as Fester (2007) notes, "United Nations-initiated international instruments, like the BDPfA ... have meant little to the average woman" (p. 178). Allied to this, the current analysis reveals conceptual ambiguity in frame use, as well as significant variability in the comprehensiveness of governments' +20 reports. The framing of 'participation' in the discourse illustrates this point. There are widespread incidences where the discourse is over-generalized and lacks the necessary detail on the nature and critical realities of state-civil society engagement. Missing details include the frequency of meetings between CSOs and ministers/bureaucrats, instances where policy and practice has been adapted to reflect CSOs' demands and concerns, and civil society organizations' right of redress if governments downplay or ignore their policy input. To this extent, mainstreaming in India and Nepal can be seen as largely declaratory and instrumental in orientation rather than substantive. This resonates with earlier critiques of mainstreaming, such as by Moser (2005) who noted: "gender mainstreaming should not be simply about increasing women's participation, but with the *terms* of their participation ... participation is often limited to the formation of participatory groups" (p. 581).

Allied to this, leading work has highlighted the formulaic implementation of gender policies (cf. Debusscher & Ansoms, 2013). The present data identify similar problems in India and Nepal. In social theory terms, this resonates with the tension between legitimacy and legitimation. In

the former case, as Rawls (2003) notes, “political legitimacy aims for a public basis of justification and appeals to free public reason, and hence to all citizens viewed as reasonable and rational” (p. 171). In contrast, “legitimation involves communicative actions aimed at managing the public’s perception that government actions are effective in promoting their desired ends, whether that is in fact true” (Moore, 2001, p. 712). The current data point more to the latter scenario. In addition, they hint at performativity on the part of governments in the two South Asian states, for their National Reviews can be seen as a bureaucratic exercise, one unreflective of transformative gender equality programmes based on thorough-going engagement with civil society. It is a situation captured by theory on ‘performativity’ in policy-making. As Price and Shildrick (1999) explain, “performativity is ... not a singular act for it is always a reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present, it conceals or dissimulates the conventions of which it is a repetition” (p. 241).

A final issue needs emphasizing: civil society itself may also be guilty of reproducing patterns and processes of gender inequality. Across the two countries many civil society organizations continue to be dominated by men. Yet, once again, this is not reflected in the BDPfA discourse. Most CSO reports neither allude to the issue of gender (im)balance in their organizations nor give the number of women in leadership roles. Overall, whilst contemporary government espousal of mainstreaming in India and Nepal is undoubtedly positive, the present study raises a number of key, ongoing concerns about its implementation. Foremost is the absence of the full range of ‘complementarity’ effects predicted by the governance theory. This is because of the pronounced power asymmetry between government and civil society. It manifests itself in marked contrasts in policy framing and issue prioritization. The overall effect is state-driven policy delivery. This undermines the capacity of the civil sphere to challenge traditionally male-dominated power structures and hampers progress towards the normative vision of gender equality set out in UN policy.

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